



General Assembly

January Session, 2007

Raised Bill No. 1223

LCO No. 4371

04371____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE REQUESTING OF INFORMATION, THE
ENFORCEMENT OF THE ENVIRONMENTAL PROTECTION
STATUTES AND PROHIBITING MOTOR VEHICLE IDLING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) For purposes of this
2 section, "solid waste" shall have the same meaning as in section 22a-
3 207 of the general statutes, "oil or petroleum", "chemical liquids",
4 "solid, liquid or gaseous products" and "hazardous waste" shall have
5 the same meanings as in section 22a-448 of the general statutes,
6 "pollution" and "wastes" shall have the same meaning as in section 22a-
7 423 of the general statutes, "air pollution" shall have the same meaning
8 as in section 22a-170 of the general statutes, "wetlands" shall have the
9 same meaning as in section 22a-38 of the general statutes, "wetland"
10 shall have the same meaning as in section 22a-29 of the general
11 statutes, "waters" shall have the same meaning as in section 22a-367 of
12 the general statutes, "coastal resources" shall have the same meaning as
13 in section 22a-93 of the general statutes and "commissioner" means the
14 Commissioner of Environmental Protection.

15 (b) For the purposes of developing or assisting in the development

16 of specific programs or implementation plans in accordance with title
17 22a of the general statutes, or to determine whether any person is in
18 compliance with the provisions of title 22a of the general statutes, the
19 commissioner may require that any person furnish, upon request,
20 information and documentation relating to: (1) The management,
21 monitoring, handling, generation, treatment, storage, disposal,
22 discharge, release or emission of any oil or petroleum; chemical
23 liquids; solid, liquid or gaseous products; solid waste; hazardous
24 waste; wastes; air pollution or pollution, (2) the equipment or process
25 used for the purposes specified in subdivision (1) of this subsection, or
26 (3) the use and management of wetlands, wetland, waters or water
27 resources or coastal resources.

28 (c) Any trade secret obtained by the commissioner as a result of a
29 request for information or documentation made pursuant to this
30 section shall, upon the timely written request by the person providing
31 such information, be kept confidential and shall not be disclosed to
32 another person except that, notwithstanding the provisions of
33 subdivision (5) of subsection (b) of section 1-19 of the general statutes,
34 such information may be disclosed by the commissioner to the United
35 States Environmental Protection Agency pursuant to the federal
36 Freedom of Information Act of 1976, 5 USC 552 and regulations
37 adopted thereunder or pursuant to the federal Clean Water Act, 33
38 USC 1251 et seq., federal Clean Air Act, 42 USC 7401 et seq., or the
39 federal Solid Waste Disposal Act, 42 USC 6901 et seq.. For purposes of
40 this subsection, "trade secret" shall have the same meaning as in
41 section 1-210 of the general statutes.

42 (d) Any person who fails to provide information required by a
43 request made pursuant to this section not later than sixty days after the
44 date of written request by the commissioner, or any extension thereof
45 granted by the commissioner, may be assessed a civil penalty not to
46 exceed ten thousand dollars, to be fixed by the court, for each offense.
47 Each violation shall be a separate and distinct offense and, in the case
48 of a continuing violation, each day's continuance thereof shall be a

49 separate and distinct offense. The Attorney General, upon complaint of
50 the commissioner, shall institute a civil action in the superior court for
51 the judicial district of Hartford to recover such penalty and obtain any
52 other relief, including, but not limited to, an order requiring that
53 documentation or information be provided to the commissioner.

54 Sec. 2. Section 22a-175 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2007*):

56 (a) Any person who knowingly or with criminal negligence violates
57 any provision of this chapter, or any regulation, order or permit
58 adopted or issued thereunder except for a violation of subsection (b) of
59 this section, shall be fined not more than twenty-five thousand dollars
60 per day for each day of violation or be imprisoned not more than one
61 year, or both. A subsequent conviction for any such violation shall
62 carry a fine of not more than fifty thousand dollars per day for each
63 day of violation or imprisonment for not more than two years, or both.

64 (b) Any person who (1) knowingly makes any false statement,
65 representation or certification in any application, record, report, plan
66 or other document filed or required to be maintained under this
67 chapter, or under any regulation, order or permit adopted or issued
68 thereunder, [or] (2) who falsifies, tampers with or knowingly renders
69 inaccurate any monitoring device or method required to be maintained
70 under the provisions of this chapter, or any regulation, order or permit
71 adopted or issued thereunder, or (3) wilfully fails to maintain or
72 knowingly destroys, alters or conceals any record required to be
73 maintained under this chapter, or any regulation, order or permit
74 adopted or issued under this chapter, shall, upon conviction, be fined
75 not more than [ten thousand dollars for each violation] fifty thousand
76 dollars per day for each day of the violation or imprisoned not more
77 than [six months for each violation] two years, or both. A subsequent
78 conviction for any such violation shall carry a fine of not more than
79 fifty thousand dollars per day for each day of the violation or
80 imprisonment of not more than five years, or both.

81 Sec. 3. Subsection (d) of section 22a-438 of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective*
83 *October 1, 2007*):

84 (d) Any person who (1) knowingly makes any false statement,
85 representation, or certification in any application, record, report, plan,
86 or other document filed or required to be maintained under this
87 chapter, or section 22a-6 or 22a-7, [or] (2) who falsifies, tampers with,
88 or knowingly renders inaccurate any monitoring device or method
89 required to be maintained under this chapter, or section 22a-6 or 22a-7,
90 or (3) wilfully fails to maintain or knowingly destroys, alters or
91 conceals any record required to be maintained under this chapter,
92 section 22a-6 or 22a-7, shall upon conviction be fined not more than
93 [twenty-five thousand dollars for each violation] fifty thousand dollars
94 per day for each day of the violation or imprisoned not more than two
95 years, [for each violation] or both. A subsequent conviction for any
96 such violation shall carry a fine of not more than fifty thousand dollars
97 per day for each day of the violation or imprisonment of not more than
98 five years, or both. For the purposes of this subsection, person includes
99 any responsible corporate officer or municipal official.

100 Sec. 4. Section 22a-226a of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2007*):

102 (a) Any person who knowingly violates any provision of section
103 22a-252, section 22a-208a, section 22a-208c, any permit issued under
104 said section 22a-208a, subsection (c) or (d) of section 22a-250, any
105 regulation adopted under section 22a-209 or 22a-231, or any order
106 issued pursuant to section 22a-225 shall be fined not more than
107 twenty-five thousand dollars per day for each day of violation or
108 imprisoned not more than two years or both. A subsequent conviction
109 for any such violation shall carry a fine of not more than fifty thousand
110 dollars per day for each day of violation or imprisonment for not more
111 than five years or both.

112 (b) Any person who in violation of any provision of section 22a-

113 208a, 22a-208c or 22a-252, any permit issued under section 22a-208a or
114 subsection (c) or (d) of section 22a-250, any regulation adopted under
115 section 22a-209 or 22a-231, or any order issued pursuant to section 22a-
116 225: (1) Knowingly makes any false statement, representation or
117 certification in any application, record, report, plan or other document
118 filed or required to be maintained, (2) falsifies, tampers with or
119 knowingly renders inaccurate any monitoring device or method
120 required to be maintained, or (3) wilfully fails to maintain or
121 knowingly destroys, alters or conceals any record required to be
122 maintained, shall, upon conviction, be fined not more than fifty
123 thousand dollars for each day of the violation or imprisoned not more
124 than two years, or both. A subsequent conviction for any such
125 violation shall carry a fine of not more than fifty thousand dollars per
126 day or imprisonment for not more than five years, or both.

127 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) No person shall cause or
128 allow a motor vehicle to operate for more than three consecutive
129 minutes when such motor vehicle is not in motion, except as follows:

130 (1) When a motor vehicle is forced to remain motionless because of
131 traffic conditions or mechanical difficulties over which the operator
132 has no control;

133 (2) When it is necessary to operate defrosting, heating or cooling
134 equipment to ensure the safety or health of the driver or passengers;

135 (3) When it is necessary to operate auxiliary equipment that is
136 located in or on the motor vehicle to accomplish the intended use of
137 the motor vehicle;

138 (4) When it is necessary to bring the motor vehicle to the
139 manufacturer's recommended operating temperature;

140 (5) When the outdoor temperature is below twenty degrees
141 Fahrenheit;

142 (6) When the motor vehicle is undergoing maintenance that requires

143 such motor vehicle be operated for more than three consecutive
144 minutes; or

145 (7) When a motor vehicle is in queue to be inspected by United
146 States military personnel prior to gaining access to a United States
147 military installation.

148 (b) A violation of any provision of this section shall be an infraction.

149 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective*
151 *October 1, 2007*):

152 (b) Notwithstanding any provision of the general statutes, any
153 person who is alleged to have committed (1) a violation under the
154 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
155 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
156 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
157 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
158 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
159 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
160 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
161 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
162 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
163 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
164 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
165 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
166 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
167 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
168 14-153 or 14-163b, a first violation as specified in subsection (f) of
169 section 14-164i, section 14-219 as specified in subsection (e) of said
170 section, subdivision (1) of section 14-223a, section 14-240, 14-249 or 14-
171 250, section 5 of this act, subsection (a), (b) or (c) of section 14-261a,
172 section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-
173 279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa,
174 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision

175 (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section
176 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of
177 section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-
178 642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-
179 736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
180 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222,
181 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,
182 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,
183 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-
184 341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-
185 63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section
186 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of
187 section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-
188 16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
189 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
190 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
191 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
192 413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
193 250, subsection (e) of section 22a-256h, subsection (a) of section 22a-
194 381d, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection
195 (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40,
196 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-
197 117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-
198 227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-161y, 29-
199 161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-
200 48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
201 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
202 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
203 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
204 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
205 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
206 section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk,
207 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-
208 211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-

209 311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation
210 under the provisions of chapter 268, or (3) a violation of any regulation
211 adopted in accordance with the provisions of section 12-484, 12-487 or
212 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
213 town, city or borough, except violations of building codes and the
214 health code, for which the penalty exceeds ninety dollars but does not
215 exceed two hundred fifty dollars, unless such town, city or borough
216 has established a payment and hearing procedure for such violation
217 pursuant to section 7-152c, shall follow the procedures set forth in this
218 section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	22a-175
Sec. 3	<i>October 1, 2007</i>	22a-438(d)
Sec. 4	<i>October 1, 2007</i>	22a-226a
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	51-164n(b)

Statement of Purpose:

To allow the Commissioner of Environmental Protection to require any person to furnish information or documentation in furtherance of the provisions of title 22a of the general statutes, to make the criminal penalties for failing to maintain or destroying information concerning air, water, solid and hazardous waste violations consistent, and to make the idling of a motor vehicle an infraction.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]